

**IN THE UNITED DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>KAITLYN RIES, individually</b>	)	
<b>and on behalf of all persons</b>	)	<b>No. 16 CV 3667</b>
<b>similarly situated,</b>	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	<b>Judge Ronald A. Guzmàn</b>
	)	
<b>PLANESPHERE, INC. d/b/a</b>	)	
<b>Orbit Skate Center and</b>	)	
<b>SANDRA L. LEVIN, as an individual</b>	)	
<b>under FLSA and Illinois Wage</b>	)	
<b>Laws,</b>	)	
<b>Defendants.</b>	)	

**FINAL APPROVAL AND DISMISSAL ORDER**

This matter coming before the Court on the request of the Parties for final approval of the their Collective and Class Action Settlement Agreement and Release (“Settlement Agreement”),<sup>1</sup> and for dismissal with prejudice, and having considered the papers submitted to the Court and proceedings to date, **THE COURT FINDS AS FOLLOWS:**

1. This Court has jurisdiction over the subject matter of the Action, the Plaintiff, the Class Members and the Defendant;
2. The parties have reached an agreement to settle all claims in the Action;
3. The Court concludes that the Plaintiff and the settlement Class Members are similarly situated for settlement purposes;
4. The court concludes that the Class Members are defined as follows:

**Settlement FLSA Collective Members** (also referred to as FLSA Members) means all persons employed by ORBIT on an hourly basis that filed a valid FLSA

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<sup>1</sup> Capitalized terms used and not otherwise defined in this Order shall have the meanings assigned to them in the Settlement Agreement.

Consent from the filing of this litigation to the date Agreement was reached in principal.

**Settlement Class Members** (also referred to as Class Members) means all persons employed by ORBIT on an hourly basis at any time between March 28, 2006 and October 1, 2016.

5. The Court concludes that the proposed settlement is within the range of fairness, reasonableness and adequacy and meets the requirements for final approval.

**THEREFORE, IT IS HEREBY ORDERED:**


- A. The Court gives final approval of the Settlement as fair, reasonable, and adequate to the Plaintiffs and to the Class Members, and in their best interests, and in full compliance with all requirements of due process and federal and Illinois Law. The Settlement is finally approved in all respects and its terms and provisions shall be consummated;
- B. The Court hereby dismisses with prejudice the litigation, all claims contained therein, and bars and permanently enjoins all Class Members from prosecuting any released claims against Defendants, except that the Settlement shall not impact the rights of any person who has timely and effectively requested exclusion from the settlement;
- C. The Court finds that Plaintiffs and Class Counsel adequately represented the Class Members for the purposes of entering into and implementing the Settlement;
- D. The Court finds that the Claims Administrator has met the notice and claims administration requirements as set forth in the Settlement Agreement;
- E. The Court approves the settlement payments to be made to each Class Member;
- F. The Final Effective Date of the Settlement Agreement shall be forty-five (45) days following the entry of this Final Approval and Dismissal Order, if no appeals

are filed within that time frame. If any appeals are timely filed after the entry of the Final Approval Order, the Final Effective Date shall be the date upon which all appeals have been exhausted, waived, or dismissed with prejudice. No party to the Settlement Agreement may seek to void the Settlement Agreement in any manner other than through the appeal process.

- G. Neither this Order, the Settlement Agreement, nor any other documents or information relating to the settlement of this Action shall constitute, be construed to be, or be admissible in any other proceeding as evidence: (a) of an adjudication of the merits of the case; (b) an adjudication of any of the matters released in the Settlement Agreement; (c) that any party has prevailed in this case; or (d) that Defendants have engaged in any wrongdoing;
- H. This Court grants final approval of the Settlement;
- I. The above-captioned matter is dismissed without prejudice, without any cost to any of the parties except as provide in the Settlement agreement. The Court retains jurisdiction for sixty (60) days after entry of this Order for the sole purpose of implementation and enforcement of the terms of the Settlement; if no motion to enforce the settlement agreement has been filed on or before Monday, August 20, 2018, this action will be dismissed with prejudice effective August 21, 2018; and

J. If the terms of the previous paragraph have been satisfied, the Clerk is directed to enter final judgment and dismiss this case with prejudice on the date stated in the previous paragraph.

**Dated:** June 19, 2018

  
Ronald A. Guzmán  
United States District Judge